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S-60-15661

(orig to DDC 3/4)
(Concurrent in by him - 3/5)
OGC 60-0307

WE

3 MAY 1960

MEMORANDUM FOR: Director of Central Intelligence
SUBJECT: Exchange of Restricted Data with Foreign Powers

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1. This memorandum contains a recommendation in paragraph 5 for approval of the Director of Central Intelligence.
 2. The Atomic Energy Act amendments of 1958 added to the Act section 144 d which empowered the President to authorize any agency of the United States to exchange such Restricted Data with other countries as is determined to be transmissible under the terms of the Act. This was designed as a statutory basis for our exchange with [redacted] and we have been seeking an appropriate Executive Order to authorize this exchange.
 3. We want to stay completely within the whole framework of approvals both as to the information to be transmitted and the individuals to whom it will be given. We are not seeking any separate determinative powers of this sort for this Agency. We want only to be authorized to be the transmitting channel for intelligence exchange through the intelligence mechanism.
 4. To date, the Department of Defense and the Atomic Energy Commission would agree only to wording which would require review by the mechanism set up for making determinations on releasability of each item of Restricted Data and the recipient every time such item is discussed with the recipient. We have proposed wording which would allow us freedom to exchange only in those cases where the precise item involved has previously been approved and the recipient

(EXECUTIVE READING FILE) *[Signature]*

for that item has previously been approved. We also agree to make reports each time such an item is discussed with that recipient. Our proposal has now been referred by the Bureau of the Budget to the Department of Defense and the Atomic Energy Commission for review. From previous experience we do not expect an early answer and may encounter further objections.

5. I recommend that you speak to Chairman John A. McCone, Atomic Energy Commission, on this matter to assure him that we are not seeking a free hand, we want to play by the rules, and we wish only the authority to continue discussions with our [redacted] counterparts on subjects previously taken up with them in intelligence exchanges.

JOHN S. WARNER
Legislative Counsel

The recommendation in paragraph 5 is approved.

Date

ALLEN W. DULLES
Director

OGC/LC:JSW:mks (2 March 1960)
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